

06-05-08

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IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GODWIN, Antony Robert et al.

RESPONSE TO THE OFFICE
ACTION MAILED 04/02/2008

CASE: POLYT 9381 WO US

SERIAL NO.: 10/564,340

FILED ON: 01/11/2006

FOR: CONJUGATED BIOLOGICAL
MOLECULES AND THEIR
PREPARATION

06/05/2008 SDENB0B3 00000002 503194 10564340

01 FC:1251 120.00 DA

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXAMINER: BRADLEY, C.
ART UNIT: 1654

Dear Sir:

This is a request for an extension of time to respond to the Examiner's Restriction Requirement mailed on 2nd April, 2008. Applicant hereby request the Commissioner a one (1) month extension of time to respond to the Examiner's Restriction Requirement thereby allowing Applicants until 2nd June, 2008 to respond.

Applicants authorize the Commissioner to debit Bell & Associates Deposit Account No. 50-3194 in the sum of \$120, being the fee for a (1) one-month extension of time to respond to the instant Communication.

If the Commissioner finds any additional charges or fees must be paid in connection with this communication, they may be paid out of Bell & Associates Deposit Account No. 50-3194.

Respectfully submitted,

Dated: June 2nd, 2008



Matthew R. Kaser
(Reg. No. 44,817)
One of Agents for Applicant



Docket No.: POLYT 9381 WO US

USPS Express Mail Service No. EB 975551165 US
I hereby certify that this correspondence is being deposited with the
United States Postal Service using USPS Express Mail Service
in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents,
PO Box 1450, Alexandria VA 22313-1450
on 2 June 2008
By: 

Printed: Matthew Kaser

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GODWIN, Antony Robert, PEDONE, Elisa, CHOI, Ji-Won, SHAUNAK, Sunil, and BROCCINI, Stephen James

Title: CONJUGATED BIOLOGICAL MOLECULES AND THEIR PREPARATION

Serial No.: 10/564,340 Filing Date: 11th January, 2006

Examiner: BRADLEY, Christina Group Art Unit: 1654

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is in response to the Requirement for Restriction mailed 2nd April, 2008, in the above-referenced application.

Applicant respectfully petitions for a one (1)-month extension of time within which to respond to the Office Communication, dated 2nd April, 2008, such extension allowing the undersigned until 2nd June, 2008 to respond.

Claims 15-36 were originally filed. In the Requirement for Restriction, the Examiner requested Applicant to elect claims corresponding to one of the following inventions:

Group I	Claims 15-24	drawn to a method for making compounds of formula I.
Group II	Claim 25	drawn to compounds of formula II.
Group III	Claim 26	drawn to compounds of formula III.
Group IV	Claims 27-35	drawn to compounds of formula I.
Group V	Claim 36	drawn to a method of treating a patient.

In response to the Requirement for Restriction, Applicants provisionally elect Group IV (claims 27-35) with traverse.

In the Requirement for Restriction, the Examiner stated that the inventions of Groups I-V do not relate to a single inventive concept for the following reasons: Wilbur et al. teaches compounds of formula I and methods of making them involving compounds of formula II (Wilbur et al., *Bioconjugate Chem.* (1994) 5: 220-235) and therefore unity of invention is lacking *a posteriori*.

Applicants respectfully submit that Wilbur et al. teach none of the compounds of the invention and that the Examiner is in error in making a Requirement for Restriction.

Applicants submit that inspection of the compounds disclosed by Wilbur et al., (see Figure 2 of Wilbur et al.,) and of Formula I, II, and III, of the instant invention, clearly distinguishes the invention over the compounds disclosed by Wilbur et al. and that Formula I, II, and III are novel.

The Examiner is respectfully reminded that, upon allowance of the claims to the above products, the process for making and using same, i.e., the claims of Groups I, II, III, and V, must be rejoined. See the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products. Thus, Applicants respectfully request reconsideration of the Restriction Requirement and examination of Groups I-V, claims 15-36.

The Examiner requested that an election of species of polymer be made. The Examiner stated that these polymer species are deemed to lack unity of invention because they are not so linked as to form a general inventive concept under PCT Rule 13.1.

Applicants provisionally elect the polymer of polyalkylene glycols with traverse. Applicants respectfully submit that the Examiner has erred in making the restriction, in that the species are representatives of a single genus (organic and biological polymers) well known to those of skill in the art for preparing conjugated biological molecules, and that examination would therefore not constitute a serious burden.

Thus, Applicants respectfully request reconsideration of the Restriction Requirement and examination of the genus of polymers.

Please charge Deposit Account No. **50-3194** in the amount of **\$120.00** as set forth in the enclosed transmittal letter. However, if the USPTO determines that an additional fee is due, the Commissioner is hereby authorized to charge Bell & Associates' Deposit Account No. **50-3194**.

Respectfully submitted,

Date: 2nd June 2008



Matthew R. Kaser, D.Phil.
Reg. No. 44,817

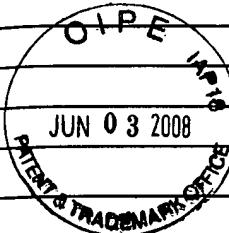
Bell & Associates
201 Warren Drive, Suite 100
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Phone: (510) 537-2040
Fax: (415) 276-6040

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

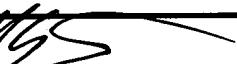
Application Number	10/564,340
Filing Date	11 January 2006
First Named Inventor	GODWIN, Antony Robert
Art Unit	1654
Examiner Name	BRADLEY, Christina
Total Number of Pages in This Submission	7
Attorney Docket Number	POLYT 9381 WO US



ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Bell & Associates		
Signature			
Printed name	Matthew Kaser		
Date	2 JUNE 2008	Reg. No.	44,817

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Matthew Kaser
Date	2 June 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2008

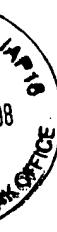
 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

120.00

Complete If Known

Application Number	10/564,340
Filing Date	11 January 2006
First Named Inventor	GODWIN Antony Robert
Examiner Name	BRADLEY, Christina
Art Unit	1654
Attorney Docket No.	POLYT 9381 WO US



METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 50-3194 Deposit Account Name: Bell & Associates

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity Fee (\$)
50

25

Each independent claim over 3 (including Reissues)

210

105

Multiple dependent claims

370

185

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
- 20 or HP =	x	=		Fee (\$)	Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
- 3 or HP =	x	=		Fee (\$)	Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Extension of time to respond, one month @ \$120 _____ 120

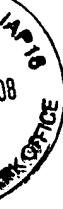
SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 44,817	Telephone (510) 537-2040
Name (Print/Type)	Matthew Kaser		Date 2 June 2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2008

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
120.00

Complete if Known

Application Number	10/564,340
Filing Date	11 January 2006
First Named Inventor	GODWIN Antony Robert
Examiner Name	BRADLEY, Christina
Art Unit	1654
Attorney Docket No.	POLYT 9381 WO US

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 50-3194 Deposit Account Name: Bell & Associates

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

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Plant	210	105	310	155	160	80	_____
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Provisional	210	105	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity
Fee (\$)

Fee (\$)

Each independent claim over 3 (including Reissues)

Fee (\$)

Fee (\$)

Multiple dependent claims

Multiple Dependent Claims
Fee (\$)

Fee (\$)

Total Claims

Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = _____ x _____ = _____
HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = _____ x _____ = _____
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- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

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Other (e.g., late filing surcharge): Extension of time to respond, one month @ \$120

120

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 44,817	Telephone (510) 537-2040
Name (Print/Type)	Matthew Kaser		Date 2 June 2008

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